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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Raul Gonzales Estrada, ) No. CV 08-2267 PHX-NVW (LOA)  
10 Petitioner, ) **ORDER**  
11 v. )  
12 )  
13 Charles L. Ryan, et al., )  
14 Respondents. )

15 Pending before the court is the Report and Recommendation (“R&R”) of Magistrate  
16 Judge Anderson (Doc. # 14) regarding petitioner’s Petition for Writ of Habeas Corpus filed  
17 pursuant to 28 U.S.C. § 2254 (Doc. # 1). The R&R recommends that the Petition be denied.  
18 The Magistrate Judge advised the parties that they had ten days to file objections to the R&R.  
19 (R&R at 21-22 (citing 28 U.S.C. § 636(b)). No objections were filed.

20 Because the parties did not file objections, the court need not review any of the  
21 Magistrate Judge’s determinations on dispositive matters. *See* 28 U.S.C. § 636(b)(1);  
22 Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);  
23 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any  
24 review at all . . . of any issue that is not the subject of an objection.”). The absence of a  
25 timely objection also means that error may not be assigned on appeal to any defect in the  
26 rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A  
27 party may serve and file objections to the order within 10 days after being served with a copy  
28 [of the magistrate’s order]. A party may not assign as error a defect in the order not timely

1 objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps*  
2 *v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).


3       Notwithstanding the absence of an objection, the court has reviewed the R&R and  
4 finds that it is well taken. The court will accept the R&R and dismiss the Petition. *See* 28  
5 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or  
6 in part, the findings or recommendations made by the magistrate”).

7       IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate  
8 Judge (Doc. #14) is accepted.

9       IT IS FURTHER ORDERED that Petitioner’s Motion for Stays Pending Appeal (doc.  
10 # 12) is denied.

11       IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying  
12 petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. #  
13 1). The Clerk shall terminate this action.

14       DATED this 10<sup>th</sup> day of July, 2009.

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19 Neil V. Wake  
20 United States District Judge  
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